

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Salt Lake City, Utah)
MB Docket No. 08-144
RM-11472

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 3, 2008

Released: September 10, 2008

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking issued in response to a petition for rulemaking filed by FoxCo Acquisition Sub, LLC ("FoxCo"), the licensee of stations KSTU-TV, analog channel 13 and KSTU-DT, pre-transition DTV channel 28, and permittee of KSTU-DT, post-transition DTV channel 13, Salt Lake City, Utah. FoxCo requests the substitution of its pre-transition DTV channel 28 for its post-transition channel 13 at Salt Lake City. FoxCo filed comments in the proceeding. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 28 for DTV channel 13. FoxCo's continued use of its currently operating digital facility on channel 28 will save valuable resources. In addition, KSTU-DT was the only station licensed to Salt Lake City that was assigned a post-transition VHF channel, and the proposed channel substitution will mean that over-the-air-viewers will not need to modify their antennas to add a VHF antenna element in order to continue to receive the KSTU-DT signal.

3. DTV channel 28 can be substituted for DTV channel 13 at Salt Lake City, Utah as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 40-39-33 N. and 112-12-8 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules for station KSTU-DT with the following specifications:

Table with 5 columns: State and City, DTV Channel, DTV Power (kW), Antenna HAAT (m), DTV Service Pop. (thous.). Row 1: Salt Lake City, Utah, 28, 1000, 1210, 1804.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective 30 days after date of publication of this Report and

1 Salt Lake City, Utah, DA 08-1692 (released July 18, 2008).

Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Salt Lake City, Utah	20, 28, 34, 38, 40, *42, 46

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, FoxCo Acquisition Sub, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 28 in lieu of DTV channel 13 for post-transition use.

6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A)

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau